



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

August 16, 2005

Ms. Jill Cox  
12025 Willow Grove Road  
Wyoming, DE 19934

RE: PLUS Review 2005-07-14, Cox Rezoning

Dear Ms. Cox,

Thank you for meeting with State agency planners on July 27, 2005 to discuss the proposed rezoning of 10.0 acres of land located on Willow Grove Road in Kent County. According to the information received, you are seeking a rezoning from IG to RS-1 for the purpose of constructing three residential units. We understand that according to the County's current practices, a comprehensive plan amendment will be considered by the Levy Court concurrently with this application. The PLUS review for this project includes both the zoning change and the comprehensive plan amendment.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

**Office of State Planning Coordination – Contact David Edgell 739-3090**

The rezoning of this property is at the discretion of Kent County Levy Court. Should the Levy Court ultimately choose to grant this rezoning request, a comprehensive plan amendment will be required. We understand that according to the County's current practices, a comprehensive plan amendment will be considered by the Levy Court concurrently with this application. This rezoning is located in Investment Level 1 according to the *Strategies for State Policies and Spending*. This site is also located in the Kent County Growth Zone. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily

available, and where future redevelopment or infill projects are expected and encouraged by State policy. Our office has no objections to the proposed rezoning, comprehensive plan amendment and development of this property in accordance with the relevant County codes and ordinances. Since IG zoning is relatively rare in the County compared to residentially zoned land, we ask that the county consider the loss of economic development and job creation opportunities if this property is rezoned. Please see the comments from the Delaware Economic Development Office later in this letter for more information.

**Division of Historic and Cultural Affairs – Contact Alice Guerrant 739-5685**

SHPO does not object to this rezoning. Nothing is known within the parcel. There are two historic houses nearby on Rt. 10 (K-3783 and K-3784), and there is one across the railroad tracks from the parcel (K-3760). There is only a low potential for historic-period archaeological sites within the parcel, but there are some areas of medium potential for prehistoric-period archaeological sites. If the project proceeds, SHPO would appreciate an opportunity to examine the area to see if any sites in fact exist and to learn something about their location and character prior to any ground-disturbing activities. The planned development will not have an adverse effect on the nearby historic houses, due to the landscaping planned.

Mr. Cox mentioned that he has received a federal grant to do some tree planting around the parcel. Federal agencies and/or the recipients of their grants are required to consult with this office about historic resources under Section 106 of the National Historic Preservation Act of 1966 (as amended). He should check with the office which is providing the grant to see if they have already performed this review or if they expect him to consult with SHPO directly. Tree planting grants usually come through an agency of the USDA, and they have an archaeologist in Delaware that handles these reviews, so it may very well have already been done. SHPO will be happy to assist if he needs help with determining this.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

Susan B. Cox seeks to rezone a 10.0-acre parcel (Tax Parcel NM-00-094.00-01-10.01-000) on the north side of Delaware Route 10 adjacent to the Town of Wyoming. The rezoning would be from industrial (IG) to residential (RS-1) to permit the development of three single-family detached houses. The parcel is landlocked and it is not clear how it would be accessed, but presumably either an existing or proposed driveway or private road would connect the residences to Route 10. If the rezoning is approved, the developer's engineer should contact the Central District Public Works Engineer, Mr. Robert Greybill, regarding requirements for access. This should be done even if the property will be served by an existing driveway or private road because the traffic from the additional houses would constitute a change in use. Mr. Greybill may be reached at (302) 760-2316.

**The Department of Natural Resources and Environmental Control**  
**Contact Kevin Coyle 739-9071**

**General Comment**

The Department is not opposed to the proposed rezoning request. The following comments are offered as if the property were to be developed.

**Soils**

Most of the soils on this parcel were mapped as Sassafras; however, a small portion of this parcel (northeast corner) contains a mapping unit of wetland associated (hydric) soils.

**TMDLs**

Specific levels of nutrient reductions referred to as Total Maximum Daily Loads (TMDLs), have not been developed for lands within the St. Jones watershed to date - however, work is proceeding on their development and they should be completed by December 2006. It is not clear whether this parcel will be subject to these regulations.

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading in waters of the St. Jones watershed have not yet been developed for the St. Jones subwatershed to date, work is continuing on their development. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support these desired use goals. The Jurisdictional authority for attaining these use goals will fall under the auspices of Section 11.5 of the State of Delaware’s Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as “pollution control strategies.” TMDLs for the St. Jones River subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATS) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

According to the submitted application, the applicant had suggested that they will be preserving this parcel’s remaining 1.5 acres of existing forested acreage while further enhancing/expanding the forested acreage by an additional 1.5-2 acres. The Watershed Assessment Section commends the applicant for proposing such an admirable proactive environmentally-friendly approach to this parcel’s development. Retaining and/or forest cover enhancement/expansion are examples of BMPs that the Watershed Assessment Section strongly supports.

### **Water Supply**

The project information sheets state that an individual on-site well will be used to provide water for the proposed project. Records indicate that the project is located within the public water service area granted to Camden-Wyoming Sewer under Certificate of Public Convenience and Necessity number 95-CPCN-06. The developer should contact Camden-Wyoming Sewer to determine the availability of public water. Any questions concerning CPCNs should be directed to the Public Service Commission at (302)739-4247. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any well(s).

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation. All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising. Contact Rick Rios at (302)739-9944.

### **Sediment and Erosion Control/Stormwater Management**

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through Kent Conservation District. Contact Jared Adkins at (302)741-2600, ext. 3, for details regarding submittal requirements and fees. As of April 11, 2005, stormwater best management practices must also consider water quality as well as quantity in impaired water bodies.

### **Drainage**

The Drainage Program does not have a clear understanding how stormwater will be managed on this project. The Drainage Section encourages the use of stormwater infiltration in suitable areas. The Drainage Program requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water.

### **Open Space**

Open space areas should be located along the perimeter of the site. It is recommended that these areas include the existing trees on the parcel and should connect to trees on adjacent parcels. Enlarging and enhancing open space areas will increase its value for wildlife and create recreational opportunities for residents. The establishment of additional forested areas is encouraged. Once established, these ecosystems provide increased water infiltration into groundwater, decreased run-off into surface water, air

quality improvements, and require less maintenance than traditional turf grass.

### **Underground Storage Tanks**

There are no LUST site(s) located near the proposed project. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

### **Site Investigation and Restoration**

There are two SIRB sites located within a half mile radius of the proposed site:

Camdel Metals (DE-0115): located east of the proposed Site consists of a plant which produces small diameter stainless steel and other specialty tubing. The Plant operations required the use of TCE in a degreaser unit. After a year of operations, an installed monitoring well was sampled. Composite samples from seven (7) wells revealed elevated levels of TCE. Five (5) additional wells were installed by a new consultant and there was no indication contamination in the wells. In addition, the original seven (7) wells were sampled again and contamination levels were lower than was stated earlier. This finding was an indication of offsite migration. In 1983 DNREC collected samples and confirmed the above. In 1984, due to TCE spill, another round of sampling was conducted at the site. The sampling revealed that TCE levels were 70ppb. The contaminated soil was excavated, shredded and deposited on adjacent land. Ground Water was treated and TCE level fell to 17ppb. DNREC recommended no further action (NFA).

Velpo Industrial Park (DE-0177): located north of the proposed site. A resident called in to report that he buried drums on the property. The Division of Public Health sampled the drinking water and found minute traces of 1,1,1 trichloroethane and TCE. In a Preliminary Assessment (PA) report, DNREC recommended no further action (NFA) due to the receipt of acceptable drinking water samples and the lack of evidence that drums were actually buried.

DNREC does not foresee any negative impact provided there is a deed restriction on ground water use. The Department highly recommends that the applicant connect to public water.

### **State Fire Marshal's Office – Contact Duane Fox 739-4394**

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

### **Fire Protection Water Requirements**

- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. **“Where water is available” means fire protection hydrants have to be installed if a public or central water system is within 1000 ft of your property. If the City will not serve your property because it is outside City limits then “water is not available”.**
- The infrastructure for fire protection water shall be provided, including the size of water mains.

### **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Willow Grove Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

### **Gas Piping and System Information**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

### **Required Notes**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads.

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from [www.delawarestatefiremarshal.com](http://www.delawarestatefiremarshal.com).

**Department of Agriculture - Contact Milton Melendez 698-4500**

The Delaware Department of Agriculture has no objections to the Cox Rezoning application. The site is located on a designated controlled development area which is supportive of the *Strategies for State Policies and Spending* encouraging responsible development within Level 1 areas; the Delaware Department of Agriculture supports growth in these areas, and encourages the applicant to contact our the Department if we can be of service.

**Improved Landscape Design**

The Delaware Department of Agriculture encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

**Native Landscapes**

The Delaware Department of Agriculture encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to local landscapes, contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

**Delaware Economic Development Office -- Contact Gary Smith 739-4271**

The Delaware Economic Development Office is not in favor of the rezoning of this property IG to RS-1 to build three residential properties. The Cox property is located across from an established business park housing many small businesses. The Cox property with its current zoning would allow similar small business development in the Camden and Wyoming area. The opportunity to create jobs must be maintained in order to provide a dynamic economy in Kent County.

**Public Service Commission - Contact Andrea Maucher 739-4247**

For both water and wastewater, the application states “individual on-site;” however, if public water is desired or required, the project lies within the Camden-Wyoming Sewer & Water Authority’s service area. If public wastewater water is desired or required, the

project lies within the Camden-Wyoming Sewer & Water Authority's service area. If the project connects to public wastewater services from the Town, and the project lies outside of the service territory established in October 2004, then the Town must update the information it filed with the Commission. Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines.

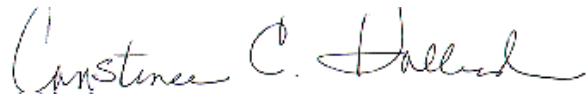
**Delaware State Housing Authority – Contact Jimmy Adkins 739-4263**

This proposal is to rezone 10 acres located on the northwest side of Willow Grove Road, between Camden and Wyoming to develop 3 single-family homes. According to the *Strategies for State Policies and Spending*, the site is located in Level 1 and inside the growth zone. As a general planning practice, DSHA encourages residential development in these areas where residents will have proximity to services, markets, and employment opportunities. The proposal targets units for first time homebuyers, which will help to create affordable housing opportunities for low- and moderate-income families.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at (302)739-3090.

Sincerely,

A handwritten signature in dark ink, appearing to read "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being more prominent.

Constance C. Holland, AIC  
Director

CC: Kent County